



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.09.2021

CORAM:

THE HONOURABLE Mrs. JUSTICE V. BHAVANI SUBBAROYAN

W.P. No.18123 of 2021

1.Ragumani Ammal

2.Rajambal

.. Petitioners

Versus

1. The District Collector,
Thiruvannamalai District,
Thiruvannamalai.

2. The District Revenue Officer,
District Revenue Office
Thiruvannamalai District,
Thiruvannamalai.

3. The Revenue Divisional Officer,
Arni Division, Arni,
Thiruvannamalai District.

4. The Tahsildar,
Polur Taluk,
Polur, Thiruvannamalai District.

5. The Revenue Inspector,
Polur Firkha, Polur,
Thiruvannamalai District.

6. The Village Administrative Officer,
Potharai revenue Village,
Polur Taluk, Thiruvannamalai District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 3rd respondent herein to consider the representation of the petitioners dated 25.06.2021 and consequently cancel the Patta No.2085 and restore the earlier patta showing the names of the petitioners alone with reference to property measuring 0.11.5 hectare in Survey No.126/1 situated in Potharai Village, Polur Taluk, Thiruvannamalai District, at the earliest point of time



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as may be fixed by this Hon'ble Court.

For Petitioners	:	Mr. N.Elumalai
For Respondents	:	Mr. Yogesh Kannadasan, Government Advocate.

O R D E R

This writ petition is filed for issuance of writ of mandamus directing the 3rd respondent herein to consider the representation of the petitioners' dated 25.06.2021 and consequently cancel the Patta No.2085 and restore the earlier patta showing the names of the petitioners alone with reference to property measuring 0.11.5 hectare in Survey No.126/1 situated in Potharai Village, Polur Taluk, Thiruvannamalai District.

2. The first petitioner and the second petitioner are the wife and daughter of late Kunja Gounder. The case of the petitioners is that Kunja Gounder's paternal grandfather Sokka Gounder purchased agricultural lands viz., (i) measuring acre 0.92 cents from out of acre 2.92 cents (on the southern side) comprised in Punjai Survey No.126/1, and (ii) measuring acre 0.28 cent and a well comprised in Survey No.126/1, situated in Potharai Village, Polur Taluk, Thiruvannamalai District, from one Muthusamy Gounder and his brothers by way of a sale deed dated 19.09.1930. Ever since the date of purchase, Sokka Gounder was in uninterrupted possession and enjoyment of the properties. After the death of Sokka Gounder, his legal heirs Ramalingam and Appavu Gounder, by way of oral partition, partitioned themselves all the properties left behind by Sokka Gounder. Thereafter, Ramlingam was in possession and enjoyment of certain properties. After the death of Ramlingam, his son Kunja Gounder was in lawful possession and enjoyment of the said properties. Patta No.121 was granted covering the properties in Survey Nos.126/1, 126/2A, 126/2B, in favour of Kunja Gounder. After the death of Kunja Gounder, the petitioners, as legal heirs, are in joint and peaceful enjoyment of those properties which Kunja Gounder was entitled to. Patta No.121 was transferred and new patta No.1981 was issued to the petitioners. It is stated that when the petitioners decided to partition the properties between themselves, they downloaded chitta copy in respect of Survey No.126/1 measuring 0.11.5 Hectare, from the website of the Revenue Department. To their shock and surprise, they found that new Patta No.2085 is issued showing Muthusamy, son of Sangu Gounder, as co-owner. The grievance of the petitioners is that Muthusamy Gounder or his legal heirs have no legal right or enjoyment of the said property since sale deed dated 19.09.1930,



was in favour of Sokka Gounder. Hence, the petitioners approached the fifth and sixth respondent and inquired about the discrepancy. Since proper details were not furnished by them, the petitioners submitted a representation on 04.08.2021 to the respondents 1 to 3. Since, the same was not considered, with no other alternative remedy, the petitioners filed this present writ petition.

3. Learned counsel for the petitioners submitted that the act of issuance of a fresh patta No.2085 including the name of Muthusamy Gounder, by replacing the earlier Patta No.1981, is not fair on the part of the revenue officials. He further submitted that the petitioners are seriously aggrieved and their right and title to the property is in jeopardy. Unless the discrepancy is removed by cancelling the patta No.2085, and restoring the earlier patta in favour the petitioners, the petitioners will be put to serious hardship and irreparable loss. Hence, he prayed to consider and pass orders on the petitioner's representation dated 25.06.2021.

4. Learned Government Advocate appearing for the respondents submitted that as per document No.3350 of 1923, 0.02.5 Hectare of the said property belongs to one Muthusamy, Sivalingam, Chinnakutti, Duraisamy Gounder and only the well alone is in possession of the petitioners.

5. Considering the facts and circumstances of the case, it is to be seen that in the year 1930 the said lands have been purchased by the petitioner's grandfather wherein the Muthusamy Gounder sold the same by way of sale deed dated 19.09.1930. That being the case, this Court is of the view that the authorities concerned shall consider all the documents to be produced by the petitioners herein and pass orders on the petitioner's representation. Accordingly, this Court directs the third respondent to consider the petitioner's representation dated 25.06.2021, and dispose of the same on merits and in accordance with law, after affording an opportunity to the respective parties of being heard, within a period of four months from the date of receipt of a copy of this order.

With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

bkn



To

1. The District Collector,
Thiruvannamalai District,
Thiruvannamalai.
2. The District Revenue Officer,
District Revenue Office
Thiruvannamalai District,
Thiruvannamalai.
3. The Revenue Divisional Officer,
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5. The Revenue Inspector,
Polur Firkha, Polur,
Thiruvannamalai District.
6. The Village Administrative Officer,
Potharai revenue Village,
Polur Taluk, Thiruvannamalai District.

+2ccs to Mr.N.Elumalai, Advocate, S.R.No.44965

+1cc to the Government Pleader, S.R.No.45226

W.P. No.18123 of 2021

GPL (CO)
SU (15/11/2021)